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NEW YORK STATUTORY INDEX

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In 1913, the State of New York authorized (L. 1913, ch. 673) the preparation of a comprehensive index of all the statutes of the State from 1778 to date. The Governor appointed as Commissioner to do the work (which has now been in progress for about two years) Frederick E. Wadhams, Esq., of Albany, Secretary of the New York State Bar Association. As it is probably the biggest piece of statutory law indexing yet undertaken by any of the states, it is of considerable interest to law librarians and legislative reference bureaus.

The Legislature directed that the index should be made from a page to page examination of the statutes and without regard to the general indexes of statutes of the state heretofore published, the intention being to have a comprehensive and unified index, all constructed on the same general plan.

The reference in the act authorizing the work to "general indexes heretofore published" suggests a question as to the nature of those general indexes and the reason for disregarding them. There have been issued from time to time in New York State Comprehensive Statutory Indexes, that is, indexes of all the statutes up to date of publication, the best known of which are Gillett's, published in 1859; Silvernail's, published in 1897, and Baxter's, published in 1902. These have each in turn been of considerable value to readers but all seem to have been chiefly revised consolidations of the indexes of the annual session laws and such consolidated indexes are, of course, liable to be faulty for three reasons: First, all errors made in the course of years are perpetuated; Second, the annual indexes differ greatly in extent or detail of treatment—some merely noting the most important subjects affected and others covering everything in great detail—and the combination of the two classes is of course inharmonious; Third, though two indexes may be of equal accuracy and detail, they will very probably differ in many cases in the index words chosen and, by the consolidation method, the general index resulting will have half the matter on a subject under one index word or title and half under another, and, indeed, in many cases instead of the matter being divided between two titles, it is divided among three or four. There is still a further disadvantage in the consolidation method, and that is the lack of proportion, resulting not only from differences in indexes, as stated in "Second" above, but from there being no fixed standpoint for the whole. To illustrate, surrender of fugitive slaves may reasonably seem very important and promise to

be of permanent value in 1840 and accordingly be indexed in that year in great detail, whereas later events have proved that, relatively to the whole legislation of the State, the matter is unimportant and should not occupy a large amount of space.

It was, therefore, wise of the New York Legislature if they wished a satisfactory and harmonious index of the whole legislation from 1778 to date to direct the Commissioner to disregard existing indexes and prepare an entirely new index.

In taking up the work, a consideration of law indexes similar in scope was in order and the Commissioner examined many statutory indexes, including the index of the California Laws, published in 1908, the British index of statutes published annually and the index of the Federal statutes published in 1908 and 1910. All of these cover large numbers of statutes, although not as many as the work proposed in New York—the British index, for example, covers only statutes in force and no other state in the United States has been blessed with such an amount of legislation as New York.

On the whole, the federal work seemed the most scientific and adaptable in theory and on consulting law librarians throughout the country, the Commissioner found that it had proved practically useful and satisfactory. He, therefore, determined to use similar principles in working out the plan for indexing the New York laws and in pursuance of that idea, invited the writer, who was one of the joint authors of the Federal Index, to assist in the New York work. Thus New York benefits by the experience gained in the federal work.

The first thing decided upon was, of course, to make a complete and comprehensive classification scheme or plan of the general law indexing before any actual indexing was done and this plan was completed last summer and has been sent out this fall for criticism to all State law librarians and to other law librarians known to be specially interested in the subject of statutory indexing. The method of making this plan may be of interest to others contemplating similar work but, first of all, a definition of terms used in this article and a recapitulation of the general principles observed in the Federal Index will be in order.

"Classification Scheme" is probably the most popular phrase in libraries and needs no explanation to librarians. From the standpoint of lawyers, however, "plan" or "outline" is probably more expressive and these three words—classification scheme, plan or outline—have all been used in the course of the New York work to indicate the skeleton of titles (or heads), subheads, sub-subheads, and cross references determined upon for use in indexing. The primary index word chosen has usually been called the title although the words "head" and "heading" are just as correct and are more frequently used in library indexing. Where it has been expected that there will be a large number of entries to be made under a title, then such title has been subdivided and secondary index words chosen which have been called "subheads." The creation of subheads prevents a large number of entries all in one mass under a title, and provides for the entries being grouped logically. In rare instances a subhead has, also, been divided and "sub-subheads" created. "Cross reference" is, of course, too common a term to need definition here.

A statement of the chief rules of the Federal Index is taken from an article by F. G. Munson in the *American Law Review*, November-December, 1909, and is as follows:

1. A law relating to all of the particular subjects of a class will be indexed under a general subject heading or title.
2. A law relating to a particular subject of that class will be indexed under a particular subject heading or title.
3. Under a general title will be references to all the particular titles which might be comprised in that general title.
4. Under each particular title will be a reference to the general title relating to the entire class of subjects of which the particular forms a part.
5. Every title shall contain references to guide the inquirer to cognate titles where the usage is not precise or where he is likely to lack familiarity.
6. Under any title that an inquirer is likely to look, there should be a reference to the particular title where that subject is indexed, provided there is any provision of law on the subject.
7. Titles of very general or very vague concept should not be used except as places of reference to more particular titles.

The main idea, of course, is the same as in every index—to index every bit of law where it can be easily found by all readers. Since here the mass of material is too great to index every act under every possible title without increasing the bulk to ridiculous proportions, the cross referencing is very important and the intention is to index each aspect of a subject in only one place and then cross refer to that place from every other possible place where a reader may be reasonably expected to look.

The rules quoted above relate principally to indexing of general laws and the New York classification scheme, as published, relates solely to general laws. This does not mean, however, that the special laws—both local and private—have been ignored or forgotten. They also must be indexed under the act of the New York legislature and the rules for indexing must be decided on in advance. But those rules are more arbitrary and at the same time can parallel the rules relating to general law indexing so that it was not thought advisable to compile and include in the published work the titles to be used only for the special laws.

There will be literally thousands of local and private titles since every county, city, town and village in New York has been the subject of legislation but, in most cases, there can be no choice of titles.

That is, as a corollary to rule 2 above, we will wish to index under the name of the county and the only possible choice then left is for example, shall it be "County of New York" or "New York County" and this question has, of course, been answered "New York County."

A few local titles—as, for example, the one just cited—will have such a quantity of entries that they will need to be subdivided but in most of those cases, the subheads to be chosen will readily parallel those under the cognate general title—in this case the title, "Counties."

New York City is an exception—for that a special outline or classification is needed but it has not been included in the general classification scheme since the

interest in New York City—great as it is—is not State wide and the unit for our work is the State.

The body of law chiefly considered, then, in making up our classification scheme was the general laws of New York State and this fortunately has been recently (1909) consolidated and arranged in 63 groups, called the "Consolidated Laws" under the supervision of the Board of Statutory Consolidation, of which Commissioner Wadhams was the Secretary. This consolidation made an excellent nucleus for examination and study and the general laws were divided into several groups and the groups assigned to the indexers engaged (all members of the New York Bar). Let us take as an example the County Law.

The indexer to whom the County Law was assigned read it over section by section and made out slips for all the subjects affected, not only noting the title under which he would make an index entry but usually noting also the subhead desirable, in case there should prove to be sufficient matter to necessitate or warrant subheads under such title. On the slips were noted the sections which suggested the title. After finishing this careful examination of the Consolidated Laws, he then examined the indexes of other earlier revisions (the Revised Acts of 1801, the Revised Laws of 1813 and the Revised Statutes of 1828) and in this way discovered titles relating to the County Law and administration long since obsolete. His next step was an examination of the table of laws repealed by the Consolidated County Law and this table, with its accompanying notes, showed him the most important acts concerning counties from 1828 to 1909 and such acts were duly examined and notes made of any new titles needed. Last of all, the amendments of the County Law from 1909 to 1914—noted in the tables of changes published in the annual session laws—were examined for new index material. This completed the assembling of all his material.

The next step was its arrangement. First of all, the slips were arranged alphabetically for the indexer and a critical study made of the result. This study would, of course, reveal discrepancies—he may have jotted down in examining the Consolidated Laws the word "County Treasurer" as a title and in examining the Revised Statutes made a subhead "Treasurers" under the main head or title "Counties" for no one's memory is to be depended upon for absolute accuracy in handling so many subjects. Again he may find that in the Consolidated Laws, he had created a subhead "Bounties" under "Counties" and let it go at that, whereas on coming across a large number of early acts on bounties he had thought it necessary when considering the Revised Statutes to subdivide further and had created—

Counties

 Bounties

 on Dangerous Animals

 on Hemp

 on Noxious Weeds

In the case of the first discrepancy, it may be merely a question of changing "Counties—Treasurers" from a subhead to a cross reference reading "Counties—Treasurers. See County Treasurers," but more likely in both instances it will be

necessary to go back to the statutes and create further subheads to harmonize with the fuller treatment of the statutes.

One other point to be considered,—he will now and then come across in the County Law bits of legislation affecting Counties only incidentally and affecting some other big subject more directly. For example, a section says that the County Treasurer shall account in a certain way for excise moneys coming into his hands. This is a duty of the County Treasurer but it also affects the liquor traffic or the excise business of the State, in itself a large subject in New York. It would be foolish for a man primarily interested in indexing the County Law to attempt to decide the best place to treat excise moneys and consequently instead of spending time on it, he would simply make a rough note and classify it according to the Consolidated law to which he thought it related. In the case cited, for example, he would mark the note "Liquor Traffic" and it would be sent to the man to whom the subject of Liquor Traffic had been assigned.

This was the method followed by each of the indexers but with three persons working independently on more or less related groups of statutes there is bound to be overlapping and variance. That difficulty was solved by all of the work of the three being revised and harmonized by the writer and the revising, in most cases, meant considerable changing of the various plans or outlines as finished by the indexers. These changes came principally from three classes of discrepancies—first, contradictory cross references; second, two or more titles chosen for the same matter; third, lack of proportion among subjects.

First, contradictory cross references, that is, actual conflicts. For example, the man examining the Insanity law might decide that the subject of Indian Insane should be treated under Indians and he would therefore make a cross reference reading as follows "Insane Persons—Indians. See Indians" whereas the man examining the Indian law might come to the opposite conclusion and decide that the place to treat insane Indians was under Insane Persons. He would accordingly make the cross reference "Indians—Insane. See Insane Persons" and the result would, of course, be absolutely contradictory.

The second class—different index words or titles chosen for practically the same matter. To illustrate—the man outlining Real Property law chooses "Infants" as the title for persons under 21, whereas the man outlining Domestic Relations chooses "Minors"—and it is the work of the reviser to examine the question carefully and decide whether there is sufficient difference in possible meanings and in the use of the terms to warrant the two and if not, to decide which is the better, consolidate the subheads under both under that one and from the other make a cross reference. The same question also arose as to subheads—for example, the man examining the Executive Law might decide that the best place to index matters concerning the fees of the State Treasurer would be "State Treasurer—Fees" whereas the man examining the State Finance law might make out a slip "State Treasurer—Compensation," intending that subhead to cover the question of fees. In this case it is necessary either to destroy "Fees" as a subhead and make therefrom a cross reference to the subhead "Compensation" or, if it seems wise to keep the two subheads, then to connect them properly with "See

also" cross references back and forth. Some of these discrepancies were trivial yet had to be noted and reconciled in order to insure accurate indexing. For example, the man outlining the Statutory Construction Law might create the title "Holiday" and the man outlining Public Officers Law might create the title "Holidays." It would, of course, be ridiculous to have the two separate titles and the reviser, therefore, had to change one or the other.

The third class—lack of proportion among subjects. For example, the man outlining Canals might become so fascinated by the subject as to go into great detail over each and every canal of the State and create under the title of each canal many subheads and sub-subheads. That would, in a sense, be entirely proper considering only the subject of canals but considering it in connection with the whole mass of legislation it would be much too detailed and in such cases it was necessary, in order to harmonize with the rest of the work, to cut out numerous subheads and sub-subheads.

It was thought advisable to publish the outline or classification scheme in two ways—first, the outline complete from A to Z alphabetically as it will be found in the final publication, and also in sixty-three different pamphlets, each containing the titles, subheads and cross references relating to a general topic, each as "Taxes," "Public Health," etc. The complete outline is the better form for examination by critics and also the better form for use by the reviser of the index entries who will have to consider laws on all subjects. On the other hand, the pamphlet form is more convenient for the indexers who will find many consecutive pages relating to one general subject both in the various consolidations of laws and in the important acts, and it will be easier for them in indexing such pages to handle a small pamphlet relating to the subject in hand rather than to consult a big book covering many alien subjects. The sixty-three pamphlets follow the classification of the Consolidated Laws although they provide for indexing, besides the Consolidated Laws, all the cognate earlier law from 1778 to 1908.

A word may be in order as to the mechanical details of the preparation of the copy of the various subjects for these two different purposes. Upon the completion of a subject—after the slips had been made and harmonized by the indexer and revised by the reviser, it was typewritten on cards—one subhead only to each card—and all of the cards were stamped in red, with the name of the group, for example, "County." After the cards had been proofread, they were copied on sheets and thus the copy for the "County" pamphlet was ready for the printer. After the pamphlet had been proofread, the cards were then "released for the general file" and as this process was completed for subject after subject, the general file grew. In this file, of course, the cards from various subjects were all thrown together into one alphabet and when all the subjects had been covered, the cards were arranged from A to Z and formed the copy for the printer for the book of the general outline.

Of course, much of the most valuable revision was done after the pamphlets had been written and the cards were all assembled in the general file since discrepancies which did not appear to the reviser on examining a separate pamphlet were then apparent. The red stamp on each card enabled us to tell at a

glance in which pamphlet a title appeared and in case of a change in the card during final revision to change the pamphlet to correspond.

It was impossible to judge absolutely the relative importance from the indexing standpoint of the various laws, from the amount of space taken by them in the Consolidated Laws since some which were important and upon which there is much legislation in the past have now dwindled to a few pages and, on the other hand, a law taking many pages in the Consolidated Laws may be a very recent one. For example, Canals, while still important does not occupy, relatively speaking, nearly as much space in our modern statutes as it did in 1860 and a consideration of the Consolidated Law on the subject was but a small part of the work necessary to make up an outline of the titles and subheads needed for indexing the laws on canals. On the other hand, the Tenement House Law has almost "no past," the first law on the subject noted being in 1897, and the outline was practically complete after making up the Consolidated Law and its amendments.

After the general outline was completed, the titles were compared with the titles in several indexes—the Index Analysis to the Federal Statutes, the West Descriptive Word Index, the index to the Official Edition of the New York Consolidated Laws, the index to Wadhams' Edition of the Consolidated Laws, the index of Heydecker's General Laws, etc., and in this way many additional cross references were secured. We seldom changed a title chosen because we found a different title chosen for the same subject in another index, but every time we found a different title, we considered it as evidence that reasonable minds might well differ on the subject and that some readers would probably look under such a word and therefore from that title or index word we created a cross reference to the word we had chosen for the title.

The use of any word by a popular index such as that of the West Company, is, of course, likely to influence readers and train them to expect to find matter under such a title. It would, however, be foolish in a statutory index to follow slavishly any other index, however popular, because the scope of each index being different in itself necessitates a different treatment of many subjects. For example, the West Company's index is practically an index of an index and does not, therefore, give as definite information on any point as ours should do. Secondly, case law is frequently voluminous on subjects where the statutes are meager and therefore needs a detailed treatment in a case where the statutory index would need at most but a title or cross reference. An example of this is Contributory Negligence. Conversely, statutes are often many and detailed on subjects scarcely touched by case law. For example, there are many statutes concerning the Secretary of State and little case law affecting him. So, too, the Federal Index treats of a quite different field from the proposed New York index—indeed there the titles in common are fewer than the exclusive or distinctive titles. For example, pages in the Federal Index are occupied with customs duties whereas they are mentioned rarely and then incidentally in the New York Statutes. Even other States differ considerably and are by no means a safe guide. For example, in California there are laws concerning "Rodeos" and "Judges of the Plains," for which appropriate titles are needed, whereas a New York index does not need to

provide for such officers. On the other hand, an elaborate outline is necessary for the New York laws on Tenement Houses, whereas in Arizona such legislation is probably as yet unnecessary and nonexistent.

The best test of an index is of course in its use and it will be several years before the New York index can prove its value. If it does succeed in the "modest" aim of being the best state law index yet published, the point of chief interest to law librarians and the most important point to be noted by others taking up similar work is that the plan was made in advance in considerable detail before any indexing was attempted. This plan is bound to be modified somewhat during the process of indexing—nothing but a page to page examination of the Statutes will reveal the exact amount of legislation on any subject—but it will serve the indexers as a constant guide to keep them in "a straight and narrow path" where a reader can be reasonably expected to follow them.

As stated above, the plan has been sent to many law librarians already for criticism and suggestions and will gladly be sent to any others on request. All suggestions sent either to the Commissioner, Frederick E. Wadhams, Esq., of Albany, N. Y., or to the writer at 2 Rector Street, New York City, will be given careful consideration.

CO-OPERATION AMONG LAWYERS*

BY J. C. RUPPENTHAL

At the very threshold of the study of law, indeed, in the preliminary inquiry that should be made by every judicious person before devoting time and talents to the investigation of this science, the earnest seeker must be appalled at the mass of matter before him. The perseverance of even the most resolute can perhaps be explained only on the theory that long after the final plunge was taken, the depths and heights, the lengths and breadths of the subject began to be apprehended but faintly. In any event, the embryo lawyer, in the court of his own mind, soon affirms the decision of an eminent Pennsylvania jurist, that "it is not so much to know the law as to know where to find the law." This applies whether the student is of the science only, or of the art of practice as well; whether he enters law as a profession to which to devote body and mind in promoting its highest ideals for human happiness and betterment, or as a trade to be followed as sordidly as would be any other pursuit for gain only. The nobler nature will ever have before him a two-fold object: (a) to find the law as it is; (b) to make the law what it ought to be, either by new enactment in an open field, or by substituting better for less good, through amendment, or by repeal of the ill, the obsolete and the anachronistic.

Case-law, as found in the many reports of the numerous jurisdictions under the Anglo-American system of jurisprudence, is less the wilderness that once it was,—thanks to comparative textbooks, to encyclopedias, series of selected cases with annotations, and above these to the all-inclusive American digest system. The latter with its Century and Decennial editions, and its "key-number" continuations from year to year, by an orderly classification scheme, a fairly logical analysis having few exceptions, by a scope-note defining the subject thru both inclusion and exclusion, and by successive subdivisions as far as the differentiation of the reported cases demands or justifies, connects the cases all together appropriately, past and present, with a reasonable assurance that future decisions will readily fall into proper place. Digests for states severally, including Kansas, have appeared using the American classification. With the aid of the table of cases, it is possible for the lawyer who finds a point determined in this state or elsewhere, almost unerringly to find the views of every other court that has ever considered the same or kindred proposition.

In contrast to this condition of case law which has developed largely within the past decade, how is statute law? The American Bar Association has been diligent. It has prepared a number of uniform laws, and with the assistance of various uniform-laws leagues, has secured the adoption of several measures by a number of states. A bureau of comparative legislation has arisen; legislative reference departments have been established in various states, including Kansas; data have been arranged and tabulated on many lines of inquiry,—but far from having uniformity of statutes (which may or may not be desirable), we still have no generally recognized or acceptable plan or system of arrangement of statutes,—

* Address to the Law Students of the University of Kansas, by special lecturer, J. C. Ruppenthal, judge of the 23rd judicial district of Kansas.

no way for ready examination or comparison of laws of other states,—but little idea of where to look for our own statute law, and none as to other states if our duties required such search.

On July 2, 1855, the first legislature convened at Pawnee, near Ft. Riley, to make laws for the territory of Kansas. From time to time since, such a body has assembled, 23 times annually, 17 times biennially and 8 times specially. In six regular annual and two special sessions, the territorial legislature passed bills and resolutions which are found in eleven volumes. In 17 regular annual, 17 regular biennial and 6 special sessions, the state legislature produced about 40 volumes of original laws. This excludes the official general statutes of 1889, 1897, 1901 and 1909, as well as the unofficial compilations of 1876, 1879, 1881, 1885, 1899, 1905 and possibly others, which contained no new enactments. The lawyer has not at hand any bibliography of the statute laws of Kansas unless perhaps that of the state historical society (vol. 6 Kansas Historical Collections, 1897-1900, pages 416, 457), much less any table of different acts or chapters, now numbering probably above 10,000. All this vast, disordered, divergent effort, is found in original form in perhaps 50 different volumes practically without index, for even the insertions in the latter pages of the session laws, until recent years do violence to the word "index." But a small part of these myriads of enactments are general or permanent, yet many of them, which are not found in general statutes and have no place therein, have affected persons and property and may have to be referred to at times nowadays in the investigation or determination of rights.

The need of a general index to all statute law of Kansas is but slight compared with the greater work of devising and formulating a rational, logical, expandible frame-work of statute-law,—a classification and analysis that shall be to legislative enactment what the American digest system is to case-law. Here is opportunity for a genius, for a constructive critic with all the keenness of a Jeremy Bentham. The time is ripe for the development of a definitive outline of statute law, into which every past enactment can be consistently fitted, and into which all probable future legislation will arrange—an outline that will suffice for the nation, the state or the municipality, if not also for international law and treaties—a system of division and arrangement, and not least, of numbering or designation, that will permit the classification of statutes now and hereafter so that the lawyer or student who learns the simple large principles of the plan may readily turn to any class of law on the statute books of any state, or perhaps any modern nation.

If a given detail of any topic of case-law may always be found under the same key-number section in the American digest system, the same may be done with statute law when rightly classified. Someone needs to work out a plan and submit it to bar associations, law editors, compilers and publishers until it is brought into shape for general approval and adoption. At present there is nothing that is standard, nothing permanent. Even so simple a matter as the revision of our civil code in 1909 wrought a necessary change in numbering that still annoys. From time to time, those who remember the old numbering of certain important sections. The so-called alphabetical arrangement of general statutes in Kansas has little if anything except long usage to recommend it. It separates kindred

matters to the ends of the volume and places subjects diverse as *Legislature* and *Levees*, in juxtaposition.

It is not unreasonable to look for a system under which an attorney may expect always to find laws relating to wills, or schools, or crimes, under the same numbering and classification, not only in Kansas, but in New Jersey and Australia as well. Doubtless a well-digested plan is necessary to secure general approval and adoption. Is law the laggard among sciences, as many caustic laymen allege? Do we plod afoot, beside oxen and camels, while others use steam, gasoline, electricity and the air?

Nearly all public libraries, at least in America, and not a few private collections of books, pamphlets and papers are now classified, chiefly by the Dewey decimal, less by the Cutter expansive, systems. The Dewey system, for example, is easily learned, and everyone familiar with it can readily and quickly find the class, and hence the book, that he wants, in any well-arranged, though to him strange library. Should not this be as readily done in statute law? Should not students of law—and this includes all from the humblest beginner to the most learned jurist, the wisest practitioner, the most successful advocate—should they not, by cooperative effort, do as much as librarians have done?

In the Dewey system, the whole of printed matter is divided into ten classes. Each class is numbered primarily with three figures, as follows: 000 general works, 100 philosophy, 200 religion, 300 sociology, 400 philology, 500 natural science, 600 useful arts, 700 fine arts, 800 literature, 900 history. Each of these ten classes is subdivided into ten classes, and these each again into ten, so that 1000 tertiary classes are started with. But this is not the end, for if needs justify it, there may be successive decimal subdivisions ad infinitum. Taking the 300 class, since it embraces law, we find its subdivisions are: 300 sociology, 310 statistics, 320 political science, 330 political economy, 340 law, 350 administration, 360 associations and institutions, 370 education, 380 commerce and communication, 390 customs, costumes, folk lore. Law, which in general is 340, finds the first four succeeding numbers given over to public law (341, 342, 343, 344) and the last five to private law (345, 346, 347, 348, 349). Thus, 340 law, 341 international law, 342 constitutional law and history, 343 criminal law, 344 martial law, 345 U. S. statutes and cases, 346 British statutes and cases, 347 treatises, American and British, 348 canon law, 349 foreign law. Now, 345 American statutes and cases, has distinguishing numerals for statutes and for cases, and these in turn for each state. Referring to the class of history, this may be further illustrated, thus: 900 history, 970 North America, 978 western states, 978.1 Kansas. Kansas could be again divided by counties, and these by townships, and yet more minute local divisions indefinitely as desired. Yet whatever the new occasion, expansion or development, no need would arise to renumber the whole system as is now done, and as seems inevitable with compilations of statute law.

The steadily increasing bulk of statutes is a matter of much perplexity to the bar of every jurisdiction. In our state we now have a volume too unwieldy in one, and too unhandy when divided. Some lawyers believe that with a careful revision, without repealing any law, but by merely consolidating instead of dupli-

cating or even triplicating matters practically identical, but relating to different classes, and by eliminating a quantity of references to amendment and repeal, it would be possible to keep the volume conveniently under one cover. But even then, the additions, amendments and repeals every two years, if not oftener, call for re-compilation with its expense, and its renumbering every few years. To lessen the ills last mentioned, the practicability of loose-leaf statutes has been discussed. An encyclopedia in loose-leaf form is on the market, to which pages are added as time makes necessary. Abstracts and digests on various matters are making their appearance in similar form. Perhaps it is possible even now to print and bind the general statutes of Kansas in loose leaf form, but if a standard system of arrangement were devised and generally accepted, the loose-leaf statute would be almost a certainty. The lawyer on admission to practice would get a durable cover with the expectation of using it for life, merely adding or withdrawing leaves as successive legislatures, or perhaps referendums made changes.

Mention will now be made, categorically, of various things that have been done to aid the lawyer, in his work of research, or to assist him directly or indirectly in gaining a wider knowledge of law, and its ministers, a better understanding of its making and its administration.

Printed "citators" have become quite common. They take up each volume of reported decisions as published, even in advance sheets, and finding in the opinions, the citations of former cases, tabulate them under the name of such former cases. In this way, whenever a case is found which applies to the matter in hand, court or bar may readily find whether such case has subsequently been relied on and approved by a court, whether reversed, distinguished, modified or discussed in any way. In Kansas we have a citator which arranges the citations not only according to the case cited, as was done at first, but also by the syllabus paragraphs as well. This is a very great convenience when different matters of law are decided in the same case. This citator gives the citations, revised quarterly, to the Kansas cases, all the federal courts, the American state reports, the Lawyer's Reports Annotated, and the Pacific reporter, but still another step is needed which will supply Kansas citations where reported, no matter in what jurisdiction made. If a Kansas case is cited in New York or Iowa, it may be as important to us as if cited in Colorado or California.

There are now 85 volumes of published Kansas reports of the supreme court. This means about 70,000 pages of opinions. Although the head-note or syllabus is intended to contain, boiled down and reduced to simplest terms, the points determined in the case, it happens quite often that matters are discussed in the opinion which are of much value to the bar, even when not touched by the syllabus. Some years ago an "obiter digest" in two large volumes was issued to give the bar the benefit of the opinions of the U. S. supreme court on points not covered by the head-notes. A similar work for Kansas would have its value.

In 1908 the national government published an "Index Analysis of Federal Statutes" covering all general and permanent legislation, and adding tables of subsequent amendments and repeals, also popular names of statutes, as Bland-Allison act, Curtis act, Dingley bill, Esch bill, Edmunds act, Sherman act, etc. A similar work, if done for our state, as to legislation and judicial interpretation

thereof, would often obviate considerable search. The statutes should be indexed to laws by popular names, as the Blue Sky law, Murray law, Bush corporation act, Burton act, Farrelly act, Hurrell law, Lord Campbell act, etc., or at least have cross-references from such entry to the proper topic chapter or section. Likewise where such acts have been judicially construed finally there should be a cross-reference in the state digest.

In the session laws of Kansas of 1881, the practice was begun, of stating, at the beginning of the volume, in the "index to chapters," the number of the bill which finally became law in such chapter, and whether senate bill (S. B.) or house bill (H. B.) or a substitute for a bill as originally introduced. Such reference is invaluable when it becomes important to trace the history of a law, especially in determining the regularity of its passage, or its constitutionality. This practice was discontinued in 1883 and 1884, but resumed in 1885 and continued to date. In 1905 a further improvement was made by giving the foregoing particulars under each chapter heading respectively throughout the volume, as well as in the chapter-index. This work should be done for the 29 sessions before 1885, excepting only 1881.

The decisions of the supreme court of Kansas have commanded respect everywhere from the first. The material limitations of the state in early days hampered the issue of the reports in time and in form. But under the hands of a worthy body of reporters, the volumes have steadily improved until they far excel those of many older states, and are publicly commended by law writers as models, at least equal to those of any state and being in accuracy, neatness, clearness, typography and binding veritable editions de luxe in all but price. Instead of one volume in several years as sufficed at first, there are now two to three volumes a year, and from 500 pages each they have grown to about 900, although briefs of counsel were also reported in earlier years but are not now. The increase of work for the reporter and of bulk for the volume accounts perhaps for the absence of much prefatory and appendant matter found in earlier reports. All such matter is valuable, but at present can be found only by labored search, volume by volume and page by page. An index is needed to the successive rules of the supreme court, the memorials to departed justices and others, the rosters of federal and state courts and other officials, the terms of district courts, the members admitted to the bar of the supreme court, the federal cases of interest and reported in full as in McCahon and volume 9, the tables of Kansas cases subsequently reversed by the court which originally decided them, of cases appealed to the United States supreme court and whether affirmed, reversed, modified or dismissed by the highest tribunal; of the number of opinions by each justice and per curiam, and of dissent either with or without opinion. The mention in the appendix to volume 6 of the war amendments to the U. S. constitution and their ratification by the several states is interesting as history. The several tables should be brought down to date. The lists of persons admitted to practice in the supreme court should be reduced to one list, under one alphabet, as the bar of the state and of the supreme court have become almost identical since district courts have been wisely deprived of power to admit to the bar.

Other tables from the reports, that would be useful, if compiled, are: (a)

Lists of all citations of cases of other jurisdictions, as well as of text-books, encyclopedias and other works. These were given in the first few reports but not thereafter. They are valuable in tracing the source of precedents, which is sometimes useful in the pursuit of error. For example, a phrase has come into general use, of "common enemy" as applied to surface waters, and the doctrine has been attributed to Massachusetts for its origin. But upon examination of all the early citations, recent writers contend that the whole doctrine as well as the expression, was based on erroneous views of the alleged precedents. (b) Lists of the several attorneys and counsel who have represented the various litigants in the supreme court as reported with the cases. (c) Lists of the cases by the counties in which they originated, by the courts appealed from, by the subject matter or peculiarities apart from mere law.

No matter how well cases are digested and indexed, and supplied with cross-references, the active practitioner will from time to time be unable to find them where the digester has placed them. But almost as invariably, even if he cannot recall the title of the case, he will have in mind some feature, as of subject-matter, origin, locality, trial judge, counsel, or peculiarity of some kind that, with the tables mentioned may readily lead to the desired case. It may be added that with the table of nearly a million reported cases appearing as the last five volumes of the Decennial Digest, the task to find other cases, if any, similar to any one selected, or relied on or resisted, will be little more than mechanical.

A few years ago a member of your faculty started out to read deliberately, pencil in hand, our supreme court reports beginning with McCahon and volume one of Kansas. A more profitable course of reading can not well be suggested to the beginner who is waiting for clients to take up all his time, and the older members would enjoy the work if they had the leisure. Matters of interest, of all kinds could be noted, or the reader could confine himself to special features. If several friends were to read alike, but each with a special line in mind, the results of their work would be an interesting mosaic. There is bubbling humor in those 70,000 pages. Cull it. There are flashes of brilliant rhetoric, of lofty sentiment, passages of faultless logic, quotations of poetry, of Scripture, of foreign languages, of time-honored maxims of law and equity. Why not collect these? Last winter a committee, reporting to the state bar association, presented a table, tracing in the last few years, the criminal cases in the supreme court. The natural suggestion at once followed that all our criminal appeals should be so tabulated as to discover their number, their nature, their results. It is a matter of much wonderment among European publicists that the United States alone of all great nations, has no criminal statistics, knows nothing definite of the kind, nature and extent of crimes and criminals, the variations and progress or retrogression, the number or nature of prosecutions and their result, to say nothing of the defendants themselves, their number, birth, education, environment, heredity, health, status, etc.

Particularly useful for practice would be a compilation of the quotations and excerpts of pleadings that are given verbatim in the Kansas reports. Where these have passed without unfavorable criticism before the supreme court, they are very

useful in drafting pleadings in similar matters. This is also true of instructions quoted verbatim. The observation may, however, be made that in the older reports wherein the art of printing was imperfect, and perhaps proof-reading not always the most careful, some seemingly verbatim extracts may mislead, in that it was necessary to quote only certain parts of a pleading, and the non-essential parts were at times omitted without the use of stars or other mark to show the reader that certain clauses were dropped from the quotation.

Among features of interest would be the views of the supreme court concerning the bar, as the case of *Bank v. Bank*, 60 Kansas 621, 625, criticizing the sloth of counsel, and of *Cooper v. Rhea*, 82 Kansas 109, as to their finesse in avoiding the bringing of important facts before trial and appellate courts.

Where all this material is to be made available is not now a pertinent inquiry. Possibly in successive issues of the *Kansas Lawyer*, the only legal periodical in the state for many years past; possibly in special official pamphlets as the clerk of the supreme court in 1908 issued the roll of all attorneys in the state; possibly as part of the proceedings of the state bar association as reports of committees or as exhibits, made part of papers presented. Or it may be that in due time the first 50 or 60 reports of the decisions of the supreme court will be issued in a new edition, annotated to date, and made to conform in all respects to present volumes, and, as the earlier reports have not sufficient material to make the bulk of later ones, these various tables, data and compilations could be well added as appendices to such reports to bring them up to the standard of about 1000 pages. However, limited demand may not make a second annotated edition advisable for a long time, there having thus far been but one annotated edition, and that of the first thirty odd volumes, issued during the '80s. A new edition might give also a table of cases, or a sub-title, by plaintiff and defendant in the trial court, as is now the custom and law, so as to avoid the confusion of referring to a party as plaintiff (or defendant) in error, when possibly such was defendant (or plaintiff) below and perhaps no means are readily at hand to show what was the relation of the litigants in the court below.

The panoramic procession of legislation before our eyes, amendments of constitutions, changes of statutes, revisions, repeals, corrections, re-enactments, new ways of advancing old principles, fads, and fancies, constantly going on with kaleidoscopic rapidity, picturesqueness—and confusion—suggests more work in aid of the lawyers who are dealing with statute law. As already intimated, we have but the vaguest notion of what is entombed in 50 volumes of original enactments of our state. Compilers at times feel called on to determine whether or not a given act is repealed by implication, by a later act. If he thinks that it is so repealed and leaves the earlier act out of the compilation, it will perhaps be widely treated as if repealed, and later may arise to make trouble. For example, chapter 115a, G. S. 1901 is omitted from the general statutes of 1909 on the assumption that it is repealed, but notwithstanding this, a certain city in western Kansas acting under the old law (laws 1872, ch. 208, amended by laws 1883, ch. 38), has expended \$100,000 on city waterworks in the manner prescribed by such old law. Quite recently the question of the right to pay a bounty on rabbit scalps

from county funds was submitted to the state's highest legal adviser. He advised against it, but later changed his opinion on finding that the old law on the subject had been left out of the 1909 general statutes, although appearing in the compilation of 1905, and not having been in terms repealed. A bibliography, table of chapters and even complete index to all our session laws, would not help greatly to avoid difficulties like these. What is needful, is a history of every act, starting with its passage, and giving reference to every amendment, and also to repeals in whole or part, where the repeal clearly indicates the act so abrogated, and to enactments as well which repeal by implication, if so held by the supreme court. A history of acts should state also all references to the several acts in subsequent legislation, and should give all citations of their judicial consideration since our annotated statutes carry only general and current laws, and the supreme court's reference to local, special and obsolete or repealed laws is nowhere to be found in convenient form.

In the study of any given statute, the varying references to the different compilations and to the original act greatly block careful investigation of a law. Very few lawyers indeed have at hand all the original enactments as published, and not many have at hand all five general statutes and about six unofficial compilations. Yet as references in the reports are always to the general statutes in current use at the time of the opinion or to recent compilation, the lawyer today needs to find out what the text of the cited statute is. In this effort, a valuable help and time-saver would be a parallel table of statutes, giving first the original session law, and then where such act may be found in the successive statutes and compilations thereafter to date. About ten or twelve years ago the proposition of making and issuing such table was laid before the leading lawbook publisher of Kansas and he expressed the view that not enough copies would be sold to justify its publication. If his view is still right, such convenience must come through cooperative or public activity or both.

Notwithstanding our boast of leadership, of originality, of progressiveness, we are indebted very largely to other states and nations for most of our statutes. The statutes of 1855, commonly called the "bogus statutes" were a re-enactment almost entire, of the Missouri statutes, and our more important acts from time to time since, have had features from the laws of other states, when indeed not taken bodily. Since it is a rule of statutory construction, usually followed by the courts, that a legislature in borrowing an act of another state, adopts the interpretation given to the act by the highest tribunal of the state from which borrowed, up to the time of the re-enactment by the borrowing state, it is important to know whence our legislative acts come. For instance, our negotiable instruments act is the uniformity measure drafted by the American Bar Association and adopted by a number of states before Kansas; our road law, at least until this year, was an Ohio act; our juvenile court law is largely from Illinois; our sections of the new civil code for attaching and for levying execution on stock of a corporation belonging to a defendant, are, I believe, Massachusetts features (secs. 5792, 6041 G. S. 1909). But there is no book or table to which you can go to find the origin of laws or parts thereof, which have been adopted from other

states. A tabulation showing what other states have acts or sections of statutes identical with ours, or substantially the same, would have value, not only to enable us quickly to see the earlier construction thereof, if any, but also because the later decisions in the lending state, and the treatment of the law by administrative and executive officials therein, would have some weight in the borrowing state.

Nearly every session of the legislature amends acts or sections, sometimes by striking out a word, a phrase, a line, clause, or section; but more often perhaps by adding a little. Invariably when such amended act comes up thereafter in court, it becomes a matter of interest and importance to compare the original and amended forms, so as to see *what* was done, and if possible, to gather the probable legislative purpose in so amending. A field is open for a forceful lawyer to find a way to show such changes graphically, without the laborious comparisons now indulged in, and without unnecessary prolixity. In exegetical comparison, colors have been used to accomplish this, and polychrome editions of Scripture, as well as of other manuscripts, issued, but lawyers would hardly tolerate a display of variegated print, and perhaps the most that could be hoped for would be different type. Here, too, method need be used, and system established by authority, so that the practicing lawyer would know what the diversity of printing indicated.

A little over three years ago, the American Association of Law Libraries began the publication of a quarterly called the "Index to Legal Periodicals," cumulating the four parts into one for each year. This gives the contents of all the legal magazines in the world, appearing in English, between 50 and 60, and leads the thorough lawyer to all current discussion of new and intricate questions. Years ago, Prof. Jones did a similar work, by indexing all law periodicals up to 1899, making two large volumes. Later others tried to keep up the work, but without success, until the recent undertaking just mentioned, and it needs all the aid and encouragement possible. The medical profession has its "Index Medicus" for this work, but while *that* is issued by the Carnegie Institution of Washington, in the interests of science, the lawyers have had to trust to their own resources. The various law librarians have been assising in the tedious detail work. A kindred labor was done about two years ago by a young law student at Topeka. While pursuing his studies for admission to the bar, and at the same time assisting in the state law library, he compiled an index to the annual reports of the proceedings of the state bar association of Kansas for the 25 or more years of its history. Thus a wealth of legal learning was made accessible, including not only general discussions, but exhaustive monographs on special subjects.

Whatever be the prejudice against the legal profession among laymen, whatever the argument against their numerical disproportion in legislative and other official life, still their familiarity with the law, its principles and history, as well as the practical side of its making, will long cause lawyers to be prominent and powerful in law-making bodies. Every feature of law, then, concerns the profession far beyond the narrow bounds of actual practice in court. The origin and the tendency of legislation are alike of concern. Several years ago the American Historical Association published an elaborate paper, summarizing and also detailing, the subject of amendment of the federal constitution. Its author

gave all the propositions that had ever been made in the form of resolutions to amend, offered in Congress, nearly 2,000 of them; traced their progress and noted their fate. Then he classified them, and marked the varying demands as conditions changed and as the nation developed. Of equal local interest and value would be an analogous treatment of propositions to amend our state's organic law, the Wyandotte constitution, under which we have gone forward for more than a half-century. The proportion of amendments made, to those that failed either in one house, or both, or at the polls, would be somewhat different from that nationally. And the student of the deeper science could find food for reflection in a comparison of the 1,000 or more bills introduced into each house at each legislative session, with the grist that finally emerges from the hopper. The nature and trend of the rejected bills would be instructive. In the great task of revising and reducing the volume of statutes, and of stopping the waste of legislative effort, all of this would aid.

With all the care and seriousness of law, errors and omissions constantly occur in reports, session laws and general statutes. Several years ago, the Kansas Lawyer generously opened its columns to mention of all such errata which readers would send in, promising to cumulate them when a sufficient number was reported. From these, the alert lawyer could correct his copies. It should be mentioned that the Kansas Lawyer, as the only legal magazine in the state, deserves and should have the support and cooperation of all lawyers so that it may be the peer of the publications of any of the great eastern law schools, and that it may be an indispensable adjunct to the office of every wideawake practicing attorney in Kansas. The lawyers of the state need a law magazine that keeps them informed of the doings in their field with a fulness that the non-technical newspaper cannot give even if the average daily and weekly were not ludicrous in its misconception and misstatement of the most elementary matters pertaining to courts and trials and legal procedure.

In securing the aids thus far enumerated (which is not meant to exhaust the subject) the cooperation of the bar is needed. As has been mentioned by the editors of the American digest system, the useful devices and systems in law books and helps are the composite of many minds, the accretions of successive years. Each may contribute a feature or a part. Many helpful points in our law books of today have been suggested by active practicing lawyers. The growth of the law periodical, the development in the art of printing, the ease with which features may be made prominent and differentiations shown on the printed page, all contribute to assist the lawyer who gets his ideas presented where they will count.

When the young lawyer decides to start alone rather than as assistant or clerk of some busy older lawyer, time need not hang heavy on his hands. When not busy at working up thoroughly the business that comes to him, he need not get the blues, nor despair. He need not jeopardize his reputation for industry—a reputation of more real worth among those who have litigation of importance than that of eloquence or wit—by joining the Won'twork brigade on the street corner or the Neversweat club at the town loafing place. He can pore over his reports and statutes, and extract from them some of the data herein suggested and

at the same time be continually absorbing unconsciously, perhaps, a knowledge of act and decision that will be of daily use.

From what has been said, it will appear that the "Cooperation among Lawyers," which is the subject of this address, may be defined by elimination. It is not in the advantage of purchasing books and supplies together like Rochdale stores; nor in the publication of law books as by the Rochester house; nor in the labor and preparation of a case or trying or briefing it; nor in the matter of the courtesy and comity that almost universally prevails among members of the bar in their professional and social relations one with another, important though each of these be and worthy of extended discussion. But the thought to be presented here is the need, the ability and the duty of the profession to cooperate, to labor together in preparing and improving the tools with which they must daily work; to assist in making better, more convenient law books; to correct and better in later editions the books we already have; and to discuss and decide in bodies what is needful and helpful and then to demand that editors, compilers, reporters, printers be always open-minded to suggestions. They welcome discussion. They gladly supply new features and conveniences of value. They are eager to meet a demand clearly shown. In the unification and standardization to which all in the world is now particularly subject—the cosmopolization of affairs—(if the word be allowed), the lawyer just about to enter the practice will be able to take part, and will have to take part. His influence will be directly proportional to the grasp he has of his own science and its readiness at his command.

ANNOUNCEMENT

The A. L. A. Bulletin containing travel announcements and tentative programs for the coming meeting at Asbury Park, has been sent to members of the American Association of Law Libraries. Members of the Association are urged to send to the Secretary the names of persons, not members, who would be interested to receive the Bulletin. It is hoped that there will be an unusually large attendance and that many who have not heretofore attended the sessions of the Law Librarians Association may be present.

LIST OF BOOKS ON SHAKESPEARE AND THE LAW

By FREDERICK C. HICKS, *Law Librarian, Columbia University*

Although as early as 1790 Edmond Malone had suggested that Shakespeare's extensive legal knowledge could be explained only on the ground that he had legal training, it was not until 1858 that the subject was extensively discussed. From that date until the present there have been numerous periodical articles, books and essays dealing with the law in Shakespeare from some point of view. The subject has found students on the Continent, as well as in England and the United States, but the following list contains only books and articles in English. It does not include books on the Bacon-Shakespeare controversy unless they treat Shakespeare's legalism as a distinct subject. W. H. Wyman's *Bibliography of the Bacon-Shakespeare Controversy* (Cincinnati, Peter G. Thompson, 1884) itemizes many books which incidentally deal with the law. The present list is arranged in chronological instead of alphabetical order, to show the historical development of the controversy over Shakespeare's legal acquirements.

Rushton, William Lowes.

Shakespeare a lawyer. Liverpool, Webb & Hunt, 1858.

8°, 50p.

Published August, 1858, and therefore the first book on this subject.

Campbell, John, 1st baron.

Shakespeare's legal acquirements considered in a letter to J. Payne Collier, Esq. New York, D. Appleton & Co., London, J. Murray, 1859.

12°, 146p.

"Letter" dated September 15, 1858; preface dated January 1, 1859.

Cites 160 instances of correct use of legal terms in Shakespeare.

No definite conclusion reached; but leans to the theory that Shakespeare had experience as a lawyer.

"I have published my 'Shakespeare,' and as yet I do not repent. There are some hostile criticisms, but, generally speaking, I have been treated by the press civilly and respectfully."—Item dated February 5, 1859, in Mrs. Hardcastle's *Life of Lord Campbell*, 1881, v. 2, p. 362. There are also letters from Lord Macaulay, Charles Dickens, H. H. Milman, and W. E. Gladstone. Macaulay is convinced that Shakespeare had been "in the lower ranks of the legal profession," Dickens expresses no opinion, Milman thinks it an insoluble question, and Gladstone raises some objections.

White, Richard Grant.

William Shakespeare, attorney-at-law and solicitor in chancery.

(Atlantic Monthly, v. 4, p. 84-105, July, 1859.)

Partly reprinted in White's edition of Shakespeare's works, 1866, v. 1, p. xlv-xlviii, *Memoirs of William Shakespeare*.

Believes that Shakespeare "had more than a layman's knowledge of the law," but is not convinced that he was an attorney's clerk.

Rushton, William Lowes.

Shakespeare's legal maxims. London, Longmans, Green & Co., 1860.

8°, 34p.

2d ed., Liverpool, Henry Young & Sons, 1907.

8°, 62p.

Fuller, R. F.

Shakespeare as a lawyer.

(Monthly Law Reporter, (Boston). v. 25, p. 1-18, November, 1862.)

"Shakespeare had a knowledge of real estate forms

and phrases, which he might have acquired in the employ of a conveyancer, and would not, probably have gained otherwise. We think, however, that he did not take to the business, and never imbued his mind with the great principles of jurisprudence."

Rushton, William Lowes.

"Shakespeare's testamentary language.

London, Longmans, Green & Co., 1869.

12°, 56p.

Chiefly a comparison with Henrie Swinburn's *Brief Treatise of Testaments and Last Wills*, 1590.

Published also in part in *Archiv für das Studium der neueren Sprachen und Literaturen*, Berlin, v. 31.

Rushton, William Lowes.

Shakespeare illustrated by the *Lex Scripta*. London, Longmans, Green & Co., 1870.

12°, 103p.

Illustrates and explains obscure passages in Shakespeare by extracts from ancient English statutes.

Partly published also in *Archiv für das Studium der neueren Sprachen und Literaturen*, Berlin.

T., H.

Was Shakespeare a lawyer; Being a selection of passages from Measure for Measure and All's Well that Ends Well, which point to the conclusion that their author must have been a practical lawyer: in which many obscurities are made clear, and some apparent corruptions in the text are attempted to be restored by an application of a knowledge of the English law. London, Longmans, Green, Reader & Dyer, 1871.

8°, 41p.

Wilkes, George.

Legal acquirements of Shakespeare.

(In his *Shakespeare from an American point of view*. New York, D. Appleton & Co., 1877. p. 71-78.)

Takes issue with Lord Campbell. Believes that the plays and poems do not show an unusual legal knowledge.

Teller, James D.

The law and lawyers of Shakespeare.

(New York State Bar Association. Report, 1881, v. 4, p. 162-170.)

Gives instances of Shakespeare's knowledge of the law, but does not suggest that he was a lawyer.

Holmes, Nathaniel.

Shylock's case.

(Tullidge's Quarterly Magazine, Salt Lake City, Utah, April, 1882.)

A review of *The Struggle for Law*, by Dr. Rudolph von Ihering, of Göttingen, who maintains that injustice was done to Shylock. Judge Holmes's argument is that the writer of the trial scene in the Merchant of Venice was a skilled lawyer—in fact, Bacon himself.

Halliwell-Phillipps, James O.

Regnal years, list of law terms, etc., during the Shakespearean period. Brighton, J. G. Bishop, 1883.

12°, 80p.

Covers the years 1564-1616, giving two regnal years and the corresponding terms of court on each page. Nominal index, p. 61-80.

Heard, Franklin Fiske.

Shakespeare as a lawyer. Boston, Little, Brown & Co., 1883.

8°, 119p.

Finds that Shakespeare used legal terms and allusions "in an apparently unconscious way, as the natural turn of his thoughts," and gives instances with references to old law-books.

Davis, Cushman K.

The law in Shakespeare. St. Paul, West Publishing Co., 1884.

12°, 303p.

Cites 312 examples of the use of legal terms. States that Shakespeare was more addicted to the employment of legal nomenclature than any English writer except jurists.

Morgan, Appleton.

Lawyer or no lawyer.

(Shakespeareiana. v. I, p. 86-87, January, 1884.)

A brief review of the evidence without reaching a conclusion.

Guernsey, Rocellus Sheridan.

Ecclesiastical law in Hamlet: The burial of Ophelia. Read before the Society, June 9th, 1885. New York, Shakespeare Society of New York, 1885.

12°, 50p.

Claims that the author of Hamlet shows a "most thorough and complete knowledge of the canon and statute law of England."

Doyle, John T.

Shakespeare's law—The case of Shylock. A letter to Lawrence Barrett.

(The Overland Monthly, v. 8, p. 83-87, July, 1886.)

Compares the proceedings in Shylock's case with those in the courts of Nicaragua in 1851-52. Thinks that Shakespeare was familiar with legal procedure in Spain.

Phelps, Charles Henry.

Shylock vs. Antonio. A brief for plaintiff on appeal.

(Atlantic Monthly, v. 57, p. 463-470, April, 1886.)

An argument before an imaginary court of appeals for reversal of the judgment against Shylock.

Morgan, Appleton.

Law and medicine in the plays.

(In his Shakespeare in fact and in criticism. New York, W. E. Benjamin, 1888 p. 162-199.)

Controverses the argument in Davis's *The Law in Shakespeare*, that Shakespeare was trained in the law. Portia's judgments are reversed in an imaginary decision in modern form.

Castle, Edward James.

Shakespeare, Bacon, Jonson and Greene; a study. London, Sampson Low, Marston & Co., Ltd., 1897.

8° viii, 352p.

Divides the plays into legal and non-legal plays, according as they show knowledge of the law or ignorance of it. Believes that Shakespeare wrote the non-legal plays unaided, and the legal plays with the assistance of Bacon.

Devecmon, William C.

In re Shakespeare's "Legal Acquirements." Notes by an unbeliever therein. New York, The Shakespeare Press; London, Kegan Paul, Trench, Trübner & Co., Ltd., 1899.

8° 3 l., 51p.

Reviews the attempts to prove Shakespeare a lawyer, and points out errors in his use of legal terminology.

Phelps, Charles Henry.

Falstaff and equity. An interpretation. Boston & New York, Houghton, Mifflin & Co., 1901.

12° xvi, 210p.

Devoted entirely to the expression in I Henry IV, "An the Prince and Poins be not two arrant cowards, there's no equity stirring."

Sprague, Homer B.

Shakespeare's alleged blunders in legal terminology.

(Yale Law Journal, v. II, p. 304-316, April, 1902.)

Criticises the conclusions in the last chapter of Devecmon's *In re Shakespeare's Legal Acquirements*.

Webb, Thomas Ebenezer.

Of Shakespeare as a lawyer.

(In his *Mystery of William Shakespeare*. A summary of evidence. London, Longmans, Green & Co., 1902. p. 140-169.)

Inclined to accept Bacon as the author, he says "if anything is certain in regard to the Sonnets, the Poems, and the Plays, it is certain that the author was a lawyer."

Collins, J. Churton.

Was Shakespeare a lawyer?

(In his *Studies in Shakespeare*. Westminster, Archibald Constable & Co., 1904. p. 209-240.)

Mainly based on Lord Campbell's book, with criticism of the conclusions of Castle. Convinced that Shakespeare had studied law.

Greenwood, Granville G.

Shakespeare as a lawyer.

(In his *Shakespeare problem restated*. London, John Lane, 1908. p. 371-418.)

Believing that Shakespeare wrote only a few of the plays, the extensive knowledge of law shown in them is thought to corroborate the theory that they are the work of another hand.

White, Edward J.

Commentaries on the law in Shakespeare, with explanations of the legal terms used in the plays, poems, and sonnets, and discussions of the criminal types presented. St. Louis, F. H. Thomas Law Book Co., 1911.

8° xviii, 524p.

Gives 511 instances of the use of legal terms. Concludes that the law in Shakespeare does not prove that he was a lawyer, or on the other hand that he could not have written the plays.

Robertson, John M.

The argument from legal allusions and legal phraseology; Litigation and legalism in Elizabethan England.

(*In his* Baconian heresy. A confutation. London, Herbert Jenkins, Ltd., 1913. p. 31-177.)

Believes that Shakespeare's legal knowledge is accounted for by the "general currency of legal phrases in the Elizabethan and Jacobean period."

Chamberlain, John D.

Legal experiences of great authors.

(Case and Comment, v. 21, p. 207-211, August, 1914.)

Chaucer, Milton, Jonson, Bunyan, Shakespeare, Goldsmith, W. C. Bryant, Irving, M. Twain, Scott, Shelley and C. Reade.

Hirschfield, Julius.

Portia's judgment and German jurisprudence.

(Law Quarterly Review, v. 30, p. 167-174, April, 1914.)

Followed by a "Note on Shylock v. Antonio" by Sir Frederick Pollock. The article discusses the conflicting opinions of Professors von Ihering, Kohler, Niemeyer, and Mendelsohn-Bartholdy.

Light, John H.

Law and lawyers in Shakespeare.

(Case and Comment, v. 21, p. 185-190, August, 1914.)

"I incline to the opinion that he never studied law as a science, but that he had a natural aptitude for it."

Boyd, John Orville.

Shylock versus Antonio: or Justice Blindfolded.

(Case and Comment, v. 21, p. 994-998, May, 1915.)

Erickson, Otto.

Shakespeare and the law. A tencenary obiter.

(Law Notes, v. 20, p. 4-6, April, 1916.)

Hicks, Frederick C.

Was Shakespeare a lawyer? A review of the literature of the question.

(Case and Comment, v. 22, p. 1002-1011, May, 1916.)

Stopes, Mrs. C. C.

Shakespeare's legal transactions. (*In her* Shakespeare's industry. London, G. Bell & sons, 1916. p. 257-266.)

ALPHABETICAL LIST OF STATE ACTS CITED BY POPULAR NAME.*

Compiled by A. M. HENDRICKSON, *Librarian, West Publishing Company, St. Paul, Minn.*

TITLE OF ACT	CITATION
Abatement Law (Iowa).....	Laws 1909, c. 214
— Wash.)	Laws 1913, c. 127
Administration Act (Ill.).....	Hurd's Rev. St. c. 3
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* The above list makes no pretense to completeness. Law librarians are invited to contribute further citations for a supplementary list which will be compiled when sufficient material has accumulated. Mr. Hendrickson will be glad to receive items and suggestions.—Editor's note.

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